

REMARKS

This paper is responsive to the Office Action mailed 09/16/2004. The above amendment defines the invention more particularly and distinctly and defines the invention patentably over the prior art.

Brief Summary of Office Action Mailed 09/16/2004

Claim Rejections Under 35 USC 102

Claims 21-25 and 28-38 were rejected under 35 U.S.C. 102 (b) as being anticipated by Jackson (WO 95/18490).

Claim Rejections Under 35 USC 103

Claims 26-27 and 39-40 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Jackson, and claims 24 and 29-30 were also rejected under 103 as being unpatentable over Jackson.

Summary of Amendment A

Claims

Base claim 21 is retained for reconsideration. The Examiner considers the shielding 110 of Jackson as the rib of Applicant's base claim 21. Jackson indicates no structure pertaining to shielding 110 other than gores 30, 32, 34, 36 of cap 12 (page 6, lines 19-23). But on page 4, lines 8-10, the same gores (30, 32, 34, 36) are "sewn together" to form crown 26. Thus, shielding 110 and crown 26 are the same element. Applicant's rib, of Claim 21, is a different element from the cap crown and is structurally consistent with common dictionary definitions of a rib. Jackson's shielding 110 (crown 26) is dome-shaped and not a rib. A further distinction from Jackson is that Applicant's rib, of Claim 21, is defined as a "stiff" rib (in order to support the weight of telephone components) whereas Jackson's shielding 110 is "flexible" (page 6, line 22). It is therefore requested that Claim 21 be reconsidered.

Claims 22-28 are retained as dependent on claim 21. As defined in claim 22, the rib is fixed to a visor. The combination makes the garment sturdy for supporting all the telephone components and is not suggested in the prior art. In Claim 23, a proximal portion of the microphone arm is L-shaped; a structural shape that enables the arm to be hidden when in a retracted position. No similar shape is shown in arm 50 of Jackson. In Claim 24, as amended, the earphone is slidably supported for linear motion. Jackson's earpiece dangles from a cord.

In Claim 26, the antenna and visor are arch-shaped to conform to each other. That feature, of Claim 26, avoids the unsightly profile of conventional cell phone antennas and increases marketability—no similar adaptation is suggested by Jackson or other prior art. In Claim 27, the antenna is further shaped to conform to a rounded frontal edge of the cap visor. The feature of Claim 27 hides the antenna, is an important aesthetic advantage, and positions the antenna away from the user's head. Again, the prior art does not suggest a similar feature.

Claim 29, as amended, includes a stiff arcuate rib lining the cap crown interiorly and is arranged to slidably support an earphone. The feature not suggested in the prior art.

Claims 30-32 are retained as being dependent on an amended base claim. In Claim 30, the earphone is supported to pivot about an axis that is parallel to the longitudinal axis of the cap. Without a major redesign, existing earphone equipment is not adaptable to a cap in a manner that can meet the function defined in Claim 30 and does not anticipate the function. Claim 31, includes the advantages explained for Claim 23, but depend on a different base claim (Claim 29).

Claim 33 is amended to depend on base Claim 21.

Claims 34-40 are retained as depending on Claim 33.

Conclusion

As explained above, the specification and claims of this application are now in proper form and the claims define patentably over the prior art. It is respectfully requested that the subject application be reconsidered, as amended, for allowance. If a telephone conference would be useful in expediting prosecution of the application, the Examiner is asked to call the undersigned at 781-891-1688.

Very respectfully,



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